

REMARKS

Claims 1-16 are pending in the application. Claims 1-16 have been amended to clarify the invention that is claimed. None of the amendments to the claims is intended to narrow the scope of the claims. No new matter has been added by any of the amendments to the claims.

The Office action rejected claims 1-16 under 35 U.S.C. § 102(e) as allegedly anticipated by Moisio (PCT Pub. No. WO 01/45445). (Office action, pp. 2-5). Applicant respectfully traverses the rejection of claims 1-16 and requests reconsideration.

Regarding the rejection of claims 1-16 under 35 U.S.C. § 102(e) as allegedly anticipated by Moisio, applicant respectfully submits that Moisio fails to disclose, teach, or suggest each and every element recited by claims 1-16.

Independent claim 1 recites a method for scheduling communication services that includes, inter alia, forming a group of mobile stations based upon a characteristic of an associated communication link and scheduling communication services collectively for the group of mobile stations.

Moisio fails to disclose, teach, or suggest each and every element recited by independent claim 1. For example, Moisio does not disclose, teach, or suggest “scheduling communication services collectively for the group of mobile stations” as recited by independent claim 1. Instead, Moisio merely describes a method for implementing dynamic channel allocation in a cellular radio network by grouping terminals (e.g., mobile phones) into a terminal group according to at least one criterion, forming a priority list containing the highest quality channels available to a terminal group, and allocating one or more channels from the terminal group’s priority list individually to a terminal within the terminal group when the terminal establishes a data transmission connection through the cellular radio network. (Moisio, p. 3, l. 29 to p. 4, l. 12; and p. 5, ll. 26-29).

Accordingly, applicant respectfully submits that Moisio does not disclose, teach, or suggest scheduling communication services collectively for a group of mobile stations, as recited by independent claim 1. Because Moisio fails to disclose, teach, or suggest each and every element recited by independent claim 1, it follows that independent claim 1 is not anticipated or rendered obvious by Moisio. Therefore, independent claim 1 is allowable. Claims 2-10 depend from claim 1 and are allowable for at least this same reason.

Similarly, independent claim 11 recites an apparatus for scheduling communication services within a communication network that includes, inter alia, a base station system operable to establish communication links between a communication network and each of a plurality of mobile stations, and a scheduling algorithm operating in accordance with the base station system to form a group of mobile stations from the plurality of mobile stations based upon a characteristic of each of the communication links and to schedule communication services collectively for the group of mobile stations. Accordingly, the arguments raised above with respect to independent claim 1 apply with equal force to independent claim 11. Because independent claim 11 is not anticipated or rendered obvious by Moision, it follows that claims 12-16, which depend from claim 11, are allowable for at least this same reason.

In view of the foregoing, applicant respectfully requests reconsideration and withdrawal of the rejection of the claims at issue, and allowance thereof. The examiner is encouraged to contact the applicant's undersigned attorney with any questions regarding this response or the application as a whole. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855.

Respectfully submitted for,
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November 15, 2004

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